

REMARKS

Status of the Claims

Claims 1-3, 5-7, 9-14, 22, and 24-26 are pending in the present application. Claims 8, 15-21 and 23 are cancelled. Claim 4 was previously canceled. Claim 22 is withdrawn as directed towards a non-elected invention. Claims 1, 25, and 26 are amended to specify “wherein said plant material is an immature embryo or a callus of a monocotyledonous plant”. Support for this amendment is found throughout the application as originally filed. In addition, the Examiner acknowledges support for this plant material in the instant Office Action, *see* below. Claims 9-11 are amended for consistency with amended claim 1. The claims are amended or canceled without prejudice or disclaimer. No new matter is added by way of this amendment. Reconsideration is respectfully requested.

Objections to the Abstract

The Examiner states that this application does not contain an abstract as required by 37 C.F.R. § 1.72(b), *see Office Action*, page 2. Applicants respectfully traverse the objection.

Applicants submit that a verified English translation of the specification was submitted to the Office on September 26, 2006, in response to the Notification of Missing Requirements. The verified English translation included an abstract of the disclosure. Applicants submit herewith a copy of the date-stamped abstract of the disclosure, as well as a copy of the Image File Wrapper (IFW), from the USPTO which indicates that an abstract of the disclosure was submitted on September 26, 2006. In view of the foregoing, withdrawal of the objection is respectfully requested.

Objections to the Specification

The Examiner objects to the present application for omission of continuity data, *see Office Action*, page 2. As noted above, the application is amended to include the continuity data. Accordingly, withdrawal of the objection is respectfully requested.

The Examiner objects to the specification for a typographical error, *see Office Action*, page 2. Specifically, the Examiner states that page 7 of the specification, line 2, is incorrect in its recitation of “Vol. 14” for the Ishida et al (2003) reference. The Examiner states that the recitation should state “Vol. 20.”

As noted above, Applicants have corrected this typographical error. Accordingly, withdrawal of the objection is respectfully requested.

Issues under 35 U.S.C. § 112, First Paragraph

Claims 1-3, 5-14, and 24-26 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement, *see Office Action*, pages 3-5. Applicants respectfully traverse.

The Examiner states that “while being enabling for an *Agrobacterium*-mediated method of the immature embryos or callus of monocotyledonous plants using enriched copper concentrations during the *Agrobacterium* co-cultivation step, does not reasonably provide enablement for claims broadly drawn to use of dicotyledonous plants or other explant types.”

Although Applicants do not agree with the Examiner, in an effort to expedite prosecution the claims are amended to specify that the plant material is an immature embryo or callus of a monocotyledonous plant. As the Examiner acknowledges, this embodiment is enabled. Accordingly, withdrawal of the rejection is respectfully requested.

Issues under 35 U.S.C. § 102(e)

Claims 15-21 and 23 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,238,862 to Allison”, *see Office Action*, pages 5-6.

Claims 15-21 and 23 are canceled. Accordingly, the rejection is moot.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachment(s): Date-stamped Abstract of the Disclosure
USPTO's Image file Wrapper (IFW)